AMENDMENT TO RULES COMMITTEE

PRINT 116–19

OFFERED BY MR. THOMPSON OF CALIFORNIA

At the end of subtitle A of title VII of the bill, add
the following new sections:

SEC. 7. MODIFICATION OF REQUIREMENT FOR CERTAIN
FORMER MEMBERS OF THE ARMED FORCES
TO ENROLL IN MEDICARE PART B TO BE ELIGIBLE FOR TRICARE FOR LIFE.

(a) TRICARE ELIGIBILITY.—

(1) IN GENERAL.—Subsection (d) of section
1086 of title 10, United States Code, is amended by
adding at the end the following new paragraph:

“(6)(A) The requirement in paragraph (2)(A)
to enroll in the supplementary medical insurance
program under part B of title XVIII of the Social
Security Act (42 U.S.C. 1395j et seq.) shall not
apply to a person described in subparagraph (B)
during any month in which such person is not enti-
tled to a benefit described in subparagraph (A) of
section 226(b)(2) of the Social Security Act (42
U.S.C. 426(b)(2)) if such person has received the
counseling and information under subparagraph (C).
“(B) A person described in this subparag
graph is a person—

“(i) who is under 65 years of age;

“(ii) who is entitled to hospital insur-
ance benefits under part A of title XVIII
of the Social Security Act pursuant to sub-
paragraph (A) or (C) of section 226(b)(2)
of such Act (42 U.S.C. 426(b)(2));

“(iii) whose entitlement to a benefit
described in subparagraph (A) of such sec-
tion has terminated due to performance of
substantial gainful activity; and

“(iv) who is retired under chapter 61
of this title.

“(C) The Secretary of Defense shall co-
ordinate with the Secretary of Health and
Human Services and the Commissioner of So-
cial Security to notify persons described in sub-
paragraph (B) of, and provide information and
counseling regarding, the effects of not enroll-
ing in the supplementary medical insurance
program under part B of title XVIII of the So-
cial Security Act (42 U.S.C. 1395j et seq.), as
described in subparagraph (A).”
(2) CONFORMING AMENDMENT.—Paragraph (2)(A) of such subsection is amended by striking “is enrolled” and inserting “except as provided by paragraph (6), is enrolled”.

(3) IDENTIFICATION OF PERSONS.—Section 1110a of such title is amended by adding at the end the following new subsection:

“(c) CERTAIN INDIVIDUALS NOT REQUIRED TO ENROLL IN MEDICARE PART B.—In carrying out subsection (a), the Secretary of Defense shall coordinate with the Secretary of Health and Human Services and the Commissioner of Social Security to—

“(1) identify persons described in subparagraph (B) of section 1086(d)(6) of this title; and

“(2) provide information and counseling pursuant to subparagraph (D) of such section.”.

(b) NON-APPLICATION OF MEDICARE PART B LATE ENROLLMENT PENALTY.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended, in the second sentence, by inserting “or months for which the individual can demonstrate that the individual is an individual described in paragraph (6)(B) of section 1086(d) of title 10, United States Code, who is enrolled in the TRICARE program pursuant to such section” after “an individual described in section 1837(k)(3)”.
(c) REPORT.—Not later than October 1, 2024, the Secretary of Defense, the Secretary of Health and Human Services, and the Commissioner of Social Security shall jointly submit to the Committees on Armed Services of the House of Representatives and the Senate, the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate a report on the implementation of section 1086(d)(6) of title 10, United States Code, as added by subsection (a). Such report shall include, with respect to the period covered by the report—

(1) the number of individuals enrolled in TRICARE for Life who are not enrolled in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) by reason of such section 1086(d)(6); and

(2) the number of individuals who—

(A) are retired from the Armed Forces under chapter 61 of title 10, United States Code;

(B) are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to receiving benefits for 24 months as described in subparagraph (A) or
(C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)); and

(C) because of such entitlement, are no longer enrolled in TRICARE Standard, TRICARE Prime, TRICARE Extra, or TRICARE Select under chapter 55 of title 10, United States Code.

(d) DEPOSIT OF SAVINGS INTO MEDICARE IMPROVEMENT FUND.—Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “during and after fiscal year 2021, $0” and inserting “during and after fiscal year 2024, $5,000,000”.

(e) APPLICATION.—The amendments made by sub-sections (a) and (b) shall apply with respect to a person who, on or after October 1, 2023, is a person described in section 1086(d)(6)(B) of title 10, United States Code, as added by subsection (a).

SEC. 7. COVERAGE OF CERTAIN DNA SPECIMEN PROVENANCE ASSAY TESTS UNDER MEDICARE.

(a) BENEFIT.—

(1) COVERAGE.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(A) in subsection (s)(2)—

(i) in subparagraph (GG), by striking “and” at the end;
(ii) in subparagraph (HH), by inserting “and” at the end; and

(iii) by adding at the end the following new subparagraph:

“(II) a prostate cancer DNA Specimen Provenance Assay test (DSPA test) (as defined in subsection (kkk)); and”; and

(B) by adding at the end the following new subsection:

“(kkk) PROSTATE CANCER DNA SPECIMEN PROVENANCE ASSAY TEST.—The term ‘prostate cancer DNA Specimen Provenance Assay Test’ (DSPA test) means a test that, after a determination of cancer in one or more prostate biopsy specimens obtained from an individual, assesses the identity of the DNA in such specimens by comparing such DNA with the DNA that was separately taken from such individual at the time of the biopsy.”.

(2) EXCLUSION FROM COVERAGE.—Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y(a)(1)) is amended—

(A) in subparagraph (O), by striking “and” at the end;

(B) in subparagraph (P), by striking the semicolon at the end and inserting “, and”; and
(C) by adding at the end the following new subparagraph:

“(Q) in the case of a prostate cancer DNA Specimen Provenance Assay test (DSPA test) (as defined in section 1861(kkk)), unless such test is furnished on or after January 1, 2020, and before January 1, 2025, and such test is ordered by the physician who furnished the prostate cancer biopsy that obtained the specimen tested;”.

(b) PAYMENT AMOUNT AND RELATED REQUIREMENTS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(x) PROSTATE CANCER DNA SPECIMEN PROVENANCE ASSAY TESTS.—

“(1) PAYMENT FOR COVERED TESTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the payment amount for a prostate cancer DNA Specimen Provenance Assay test (DSPA test) (as defined in section 1861(kkk)) shall be $200. Such payment shall be payment for all of the specimens obtained from the biopsy furnished to an individual that are tested.
“(B) Limitation.—Payment for a DSPA test under subparagraph (A) may only be made on an assignment-related basis.

“(C) Prohibition on separate payment.—No separate payment shall be made for obtaining DNA that was separately taken from an individual at the time of a biopsy described in subparagraph (A).

“(2) HCPCS code and modifier assignment.—

“(A) In general.—The Secretary shall assign one or more HCPCS codes to a prostate cancer DNA Specimen Provenance Assay test and may use a modifier to facilitate making payment under this section for such test.

“(B) Identification of DNA match on claim.—The Secretary shall require an indication on a claim for a prostate cancer DNA Specimen Provenance Assay test of whether the DNA of the prostate biopsy specimens match the DNA of the individual diagnosed with prostate cancer. Such indication may be made through use of a HCPCS code, a modifier, or other means, as determined appropriate by the Secretary.
“(3) DNA MATCH REVIEW.—

“(A) IN GENERAL.—The Secretary shall review at least three years of claims under part B for prostate cancer DNA Specimen Provenance Assay tests to identify whether the DNA of the prostate biopsy specimens match the DNA of the individuals diagnosed with prostate cancer.

“(B) POSTING ON INTERNET WEBSITE.—Not later than July 1, 2023, the Secretary shall post on the internet website of the Centers for Medicare & Medicaid Services the findings of the review conducted under subparagraph (A).”.

(c) COST-SHARING.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking “and (CC)” and inserting “(CC)”;

(2) by inserting before the semicolon at the end the following: “, and (DD) with respect to a prostate cancer DNA Specimen Provenance Assay test (DSPA test) (as defined in section 1861(kkk)), the amount paid shall be an amount equal to 80 percent
of the lesser of the actual charge for the test or the
amount specified under section 1834(x)”.

×